

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNIGESTION HOLDING, S.A.,
d/b/a DIGICEL-HAITI,

Plaintiff,

v.

UPM TECHNOLOGY, INC. and
DUY BRUCE TRAN,

Defendants.

Case No. 3:15-cv-185-SI

SPECIAL VERDICT

We, the Jury, being duly empaneled and sworn, do unanimously find as follows:

1. Did Digicel-Haiti prove by clear and convincing evidence that UPM, Mr. Tran, or both engaged in fraud by active concealment by using human behavior simulation software in furtherance of traditional (or in-country) bypass?

a. UPM ✓ YES NO

If you answered "no" to Question 1(a), skip Question 1(b).

b. Mr. Tran ✓ YES NO

2. Did Digicel-Haiti prove by clear and convincing evidence that UPM, Mr. Tran, or both engaged in fraud by active concealment by using human behavior simulation software in furtherance of Digicel-Haiti's RLYH bypass (or RLYH) program?

a. UPM ✓ YES NO

If you answered "no" to Question 2(a), skip Question 2(b).

b. Mr. Tran ✓ YES NO

If you answered "yes" to Question 1(a), Question 2(a), or both, continue to Question 3. If you answered "no" to both Question 1(a) and Question 2(a), your verdict is for the Defendants; do not answer any more questions; have the presiding juror sign and date this form.

3. Did Digicel-Haiti prove by clear and convincing evidence that it suffered damages caused by a Defendant's fraud by active concealment by using human behavior simulation software in furtherance of:

a. Bypass: ✓ YES NO

b. RLYH: ✓ YES NO

If you answered "yes" to any part of Question 3, continue to Question 4 and answer all parts that are applicable. If you answered "no" to both part (a) and part (b) of Question 3, your verdict is for the Defendants; do not answer any more questions; have the presiding juror sign and date this form.

4. What is the amount of Digicel-Haiti's damages, if any, caused by any Defendant's fraud by active concealment by using human behavior simulation software:

a. Traditional bypass lost net profits: \$ 1,800,000.00

b. RLYH lost net profits: \$ 1,800,000.00

c. Out-of-pocket damages: \$ 1,800,000.00

d. Total damages: \$ 5,400,000.00

Line d must equal the sum of Line a, Line b, and Line c.

5. What percentage of the amount(s) specified in your answer to Question 4 is:

a. the joint responsibility of UPM and Mr. Tran: Ø %

b. the sole responsibility of UPM: 75 %

c. the sole responsibility of Mr. Tran: 25 %

The listed percentages must total 100 percent.

6. Did Digicel-Haiti prove by clear and convincing evidence that it should recover punitive damages against UPM?

☒ YES ☐ NO

If you answered "yes" to Question 6, continue to Question 7. If you answered "no" to Question 6, skip Question 7 and proceed to the instructions that precede Question 8.

7. What is the amount of punitive damages that Digicel-Haiti should recover against UPM?

\$ 3,600,000.00

If you answered "yes" to either Question 1(b) or Question 2(b), continue to Question 8. If you answered "no" to both Question 1(b) and Question 2(b), do not answer any more questions; have the presiding juror sign and date this form.

8. Did Digicel-Haiti prove by clear and convincing evidence that it should recover punitive damages against Mr. Tran?

☒ YES ☐ NO

If you answered "yes" to Question 8, continue to Question 9. If you answered "no" to Question 8, do not answer any more questions; have the presiding juror sign and date this form.

9. What is the amount of punitive damages that Digicel-Haiti should recover against Mr. Tran?

\$ 700,000.00

Your deliberations are now complete. Please have the presiding juror date and sign this form and inform the Courtroom Deputy that you are ready to return to the Courtroom.

DATED this 21 day of November, 2022.